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EXAMINER

JACOBS, LASHONDA T

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEXANDRU GAVRILESCU, NOEL W. ANDERSON, and
HARPAL BASSALI

Appeal 2009-014356
Application 09/681,488
Technology Center 2400

Before, ROBERT E. NAPPI, DENISE M. POTHIER, and
JUSTIN T. ARBES, *Administrative Patent Judges*.

Per Curiam.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the rejection of claims 1 through 36.¹

We reverse.

INVENTION

The invention is directed to a method for allowing two users to co-browse a plurality of web pages. *See* page 3 of Appellants' Specification. Claim 1 is representative of the invention and is reproduced below:

1. A method for a first user to cobrowse a plurality of pages formatted according to one or more markup languages and organized into one or more web sites with a second user comprising:

initiating a cobrowsing session between a first client of the first user and a second client of the second user;

browsing a web site on the first client by the first user;

sending a synchronization message by the first client to the second client, the synchronization message indicating at least one command comprising an indication of a cookie of the web site;

receiving the synchronization message by the second client; and

cobrowsing the web site on the second client by the second user in accordance with the synchronization message, wherein the cobrowsing uses the indication of the cookie to access the web site.

¹ Appellants state on page 1 of the Brief, that the obviousness rejections of claims 1 through 36 are the subject of this appeal. Thus, we confine our decision to those claims, and note claim 37 has been canceled see Office Communication and Interview Summary mailed Aug. 11, 2009.

REFERENCES

KUMAR	US 6,006,253	Dec. 21, 1999
FIN	US 6,240,444 B1	May 29, 2001
ANUPAM	US 6,535,912 B1	Mar. 18, 2003
GUDJONSSON	US 6,564,261 B1	May 13, 2003
QUATRANO	US 6,675,216 B1	Jan. 6, 2004

REJECTIONS AT ISSUE

The Examiner has rejected claims 1 through 3, 5 through 8, 10 through 13, 15, and 17 through 36 as unpatentable under 35 U.S.C. § 103(a) as obvious over Fin in view of Quatrano. The Examiner's rejection is on pages 4 through 10 of the Answer.²

The Examiner has rejected claims 4 and 14 as unpatentable under 35 U.S.C. § 103(a) as obvious over Fin in view of Quatrano and Gudjonsson. The Examiner's rejection is on pages 10 and 11 of the Answer.

The Examiner has rejected claim 9 as unpatentable under 35 U.S.C. § 103(a) as obvious over Fin in view of Quatrano and Anupam. The Examiner's rejection is on pages 11 and 12 of the Answer.

The Examiner has rejected claim 16 as unpatentable under 35 U.S.C. § 103(a) as obvious over Fin in view of Quatrano and Kumar. The Examiner's rejection is on pages 12 and 13 of the Answer.

² Throughout this decision we refer to the Answer dated June 18, 2007.

ISSUES

Appellants argue on pages 6 through 9 of the Brief that the Examiner's obviousness rejections are in error because the combination of Fin and Quatrano does not teach sharing a cookie between two clients.³ Thus, Appellants' contentions present us with the issue: did the Examiner err in finding the combination of Fin and Quatrano teaches a synchronization message sent from the first client to the second client indicating at least one command comprising an indication of a cookie of the website as claimed?

ANALYSIS

We have reviewed Appellants' arguments in the Brief and we agree with Appellants' conclusion that the Examiner erred in finding the combination of Fin and Quatrano teaches a synchronization message sent from the first client to the second client indicating at least one command comprising an indication of a cookie of the website. Independent claims 1, 23, and 30 recite limitations directed to the first client sending a message indicating a command comprising an indication of a cookie. The Examiner finds that Fin discloses all of the elements of the independent claims except the use of a cookie and that Quatrano discloses the use of cookies in a collaborative computing environment. Answer 4-5, 15-16. The Examiner has not shown that an indication of a cookie is sent from one client to another. The Examiner cites column 5, lines 12-17 of Quatrano to support the finding that the use of cookies in collaborative environments is known. Answer 5. However, as argued by Appellants on page 8 of the Brief, this

³ Throughout this decision we refer to the Brief dated January 1, 2007.

teaching only discusses the transfer of cookies from a server to a client, and does not teach or suggest transferring an indication of a cookie from one client to another as claimed. Further, in as much as Fin teaches transferring data from one client to another, the Examiner has not shown or provided an adequate reason with a rational underpinning why an ordinary skilled artisan would include an indication of a cookie in this data.

We therefore will not sustain the rejection of independent claims 1, 23, and 30 and their dependent claims. The other cited references (*i.e.*, Gudjonsson, Anupam, and Kumar) have not been relied upon by the Examiner to cure the above-noted deficiency with Fin and Quatrano. *See* Ans. 10-15. Thus, Appellants' arguments have persuaded us of error in the Examiner's rejection of claims 1 through 36.

CONCLUSION

Appellants have persuaded us of error in the Examiner's decision to reject claims 1 through 36. The Examiner should cancel claim 37 as identified *supra* in footnote 1.

DECISION

The decision of the Examiner to reject claims 1 through 36 is reversed.

REVERSED

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